

National Labor Relations Board
OFFICE OF THE GENERAL COUNSEL
Advice Memorandum

DATE: February 12, 1997

TO: James J. McDermott, Regional Director, Region 31

FROM: Barry J. Kearney, Associate General Counsel, Division of Advice

SUBJECT: Ironworkers Union Local 433, (No Employer Named), Case 31-CB-9969

536-2545-3100, 536-2548

This Section 8(b)(1)(A) case was submitted for advice as to whether "stewards' reports" are records which must be provided for inspection upon the request of individuals using the Union's hiring hall

FACTS

Carl James Kaddour, the Charging Party in this case, earlier filed a charge in Case 31-CB-9917, alleging that the Union, which operates an exclusive hiring hall, violated Section 8(b)(1)(A) by discriminatorily refusing to refer him to jobs.

Kaddour was unable to provide any evidence to support this charge. The Union's constitution does not define a "hiring hall record" or set forth any method by which an employee may obtain access to hiring hall records. Because Kaddour believed that the hiring hall records were incomplete and did not reflect "back door referrals," Kaddour attempted to obtain "stewards' reports," which job site stewards have employees sign every week. These reports inter alia identify the individuals working on a job site and how long those people continue to work at such locations.

On December 31, 1996, when Kaddour asked the business manager for the stewards' reports for three specific jobs, the business manager refused to provide the reports and stated that it was not in the best interests of the Union to do so because Kaddour was trying to sue the Union. This comment apparently referred to the charge in Case 31-CB-9917, referred to above. (1) On January 14, 1997, after Kaddour filed this charge, the Union permitted Kaddour to inspect dispatch slips but not stewards' reports. Kaddour did not find any irregularities when he inspected the dispatch slips.

ACTION

We conclude that there is no merit to the allegation that the Union violated the Act when it refused to provide the stewards' reports to Kaddour.

A union has an obligation to provide information about the operations of a hiring hall that an employee needs to protect his job status. (2) Such information can include the names, addresses and telephone numbers of employees referred out from the hiring hall and must be provided in usable form so that the employee can contact these employees and obtain additional information, if necessary. (3) Because a user of a hiring hall is entitled to this information "as a matter of right," an employee does not have to show a reasonable belief that he is being unlawfully denied referrals in order to obtain this information. (4)

Here, the Union has permitted Kaddour to examine the hiring hall records. However, the Union has refused to provide the stewards' records. Since the stewards' records are not part of the hiring hall records, the Union was not obligated to provide these reports to Kaddour unless he had a reasonable basis for doubting the accuracy of the hiring hall referral records and could show a need to obtain additional information in order to verify the accuracy of the lists. Kaddour has not produced such evidence; his feeling that he has been passed over for referrals is not evidence that would justify requiring the Union to provide the stewards' reports. Moreover, Kaddour's subsequent examination of the hiring hall records did not provide evidence of irregularities in the Union's referral operations. Thus, the Union did not act unlawfully when it refused to provide the stewards'

reports as hiring hall records. [*FOIA Exemption 5*

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B.J.K.

¹ The Region has concluded that a Section 8(b)(1)(A) complaint is warranted as to this statement.

² See, e.g., Operating Engineers Local 324 (AGC), 226 NLRB 587 (1976). As to a union's obligation to provide information about the relevant rules, practices, standards and procedures of a hiring hall, see Electrical Workers Local 6 (San Francisco Electrical Contractors), 318 NLRB 109, 110 (1995).

³ See, e.g., Boilermakers Local 197 (Northeastern State Boilermaker Employers), 318 NLRB 205 (1995) (union must provide photocopies of referral records); Carpenters Local 102 (Millwright Employers Association), 317 NLRB 1099 (1995) (union violated Section 8(b)(1)(A) by telling charging party not to make notes of hiring hall registrants' telephone numbers from the dispatch records).

⁴ Operating Engineers Local 513 (Various Employers), 308 NLRB 1300, 1303 (1992).